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Human rights and mass exoduses

Report of the Secretary-General

Summary

In its resolution 56/166 of 19 December 2001, entitled "Human rights and mass exoduses", the General Assembly requested the Secretary-General to prepare and submit to the General Assembly at its fifty-eighth session a report on the implementation of the resolution, with particular emphasis on efforts by the United Nations system to enhance the protection of those who become displaced during mass exoduses and to facilitate their return and reintegration, as well as information on efforts to continue to enhance the capacity of the United Nations to avert new flows of refugees and other displaced persons and to tackle the root causes of such flows.

The present report acknowledges the linkages between human rights and mass exoduses with regard to situations of displacement, facilitation of return and prevention. States have recognized their primary responsibility to ensure the protection of internally displaced people and refugees, which is reflected in the international legal framework regarding human rights and refugees.

In addition, the Secretary-General, in his second report on the reform of the United Nations, entitled "Strengthening of the United Nations: an agenda for further change" (A/57/387 and Corr.1) underlined the importance of human rights, national protection mechanisms and migration.

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The present report reviews the efforts of the various mechanisms and institutions of the United Nations on behalf of persons affected by mass exoduses. It surveys the work of such humanitarian development organizations as the United Nations High Commissioner for Refugees, the World Food Programme, the United Nations Development Programme, and the United Nations Children's Fund, and it also highlights the efforts and the role of the Office of the United Nations High Commissioner for Human Rights, the mechanisms of the Commission on Human Rights and the human rights treaty bodies. The specific case of internally displaced persons is also addressed, in particular with regard to the work of the Representative of the Secretary-General on internally displaced persons and the newly established internally displaced persons unit in the Office for the Coordination of Humanitarian Affairs.

In its conclusion the report observes that the second reform programme of the Secretary-General emphasizes human rights and, in particular, the need to build strong national mechanisms, capacities and institutions for the protection and promotion of human rights. The challenge for the United Nations today is to implement effectively and efficiently action plans that will assist States in making those proposals a reality.

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I. Introduction

1. In its resolution 56/166 of 19 December 2001, entitled "Human rights and mass exoduses", the General Assembly acknowledged, inter alia, that mass exoduses of populations are caused by multiple and complex factors, such as human rights violations, persecution, political and ethnic conflicts, famine and economic insecurity, poverty and generalized violence. The Assembly strongly deplored ethnic and other forms of intolerance, and urged States to take all necessary steps to ensure respect for human rights, especially the rights of persons belonging to minorities.

2. The General Assembly reaffirmed the primary responsibility of States to ensure protection of refugees and internally displaced persons and emphasized the responsibility of all States and international organizations to cooperate with those countries, particularly developing ones, affected by mass exoduses of refugees and displaced persons. It also called upon Governments, the United Nations High Commissioner for Human Rights, the United Nations High Commissioner for Refugees and other relevant parts of the United Nations system to continue to respond to the assistance and protection needs of refugees and other displaced persons worldwide, including to promote durable solutions to their plight.

3. In the same resolution, the Assembly encouraged States that had not already done so to consider acceding to the 1951 Convention[1] and the 1967 Protocol[2] relating to the Status of Refugees and to other regional instruments concerning refugees, as applicable, and to relevant international instruments of human rights and humanitarian law, and to take appropriate measures to disseminate and implement those instruments domestically to encourage compliance with provisions against arbitrary and forcible displacement and greater respect for the rights of those who flee. The Assembly also noted with satisfaction the efforts by the United Nations system to develop a comprehensive approach to addressing the root causes and effects of movements of refugees and other displaced persons and the strengthening of emergency preparedness and response mechanisms. It recognized that the human rights machinery of the United Nations, in particular the mechanisms of the Commission on Human Rights and the human rights treaty bodies, had important capabilities to address human rights violations that caused movements of refugees and displaced persons.

4. The Assembly encouraged the special rapporteurs, special representatives and working groups of the Commission on Human Rights and the United Nations human rights treaty bodies to seek information on human rights problems that might result in mass exoduses and to include such information together with recommendations thereon in their reports, and to bring such information to the attention of the United Nations High Commissioner for Human Rights. The Assembly requested all United Nations bodies, the specialized agencies and governmental, intergovernmental and non-governmental organizations to cooperate fully with all mechanisms of the Commission on Human Rights. It requested the United Nations High Commissioner for Human Rights to coordinate human rights activities throughout the United Nations system and, in cooperation with the United Nations High Commissioner for Refugees, to pay particular attention to situations that cause or threaten to cause mass exoduses or displacements and to contribute to efforts to address such situations effectively and promote sustainable returns through promotion and protection measures, including human rights monitoring in respect of those who fled or have returned as part of mass exoduses, emergency preparedness and response

mechanisms, early warning and information-sharing, technical advice, expertise and cooperation in countries of origin as well as host countries.

5. In this context, the General Assembly requested the Secretary-General to prepare and submit to the General Assembly at its fifty-eighth session a report on the implementation of the resolution as it pertains to all aspects of human rights and mass exoduses, with particular emphasis on efforts by the United Nations system to enhance the protection of those who become displaced during mass exoduses and to facilitate their return and reintegration, as well as information on efforts to continue to enhance the capacity of the United Nations to avert new flows of refugees and other displaced persons and to tackle the root causes of such flows. The present report is submitted pursuant to that request.

II. Human rights and mass exoduses: an overview

6. Beyond any doubt, human rights and the phenomena of mass exodus and forced displacement are inextricably linked. In the three previous reports to the General Assembly on human rights and mass exoduses, an effort was made to stress that point (A/52/494, A/54/360 and A/56/334). Violations of human rights are most often the root as well as immediate cause of mass exoduses. Displaced people are among the most vulnerable and often in serious need of protection and assistance. The protection of these uprooted people is often problematic, as mass exoduses normally occur in situations of crisis and conflict when national authorities are not in a position or are even unwilling to provide the most basic assistance and protection.

7. When the conditions in the place of origin have changed, and voluntary return and reintegration become a realistic option for the displaced, human rights are again a central element in the process. Assessing the human rights situation in the place of origin is crucial to assist the displaced in making an informed choice to return home voluntarily. Once the displaced have returned, it is essential that the human rights situation be closely monitored and not allowed to deteriorate, as that would jeopardize the sustainability of return. Effective and efficient national human rights protection mechanisms would ensure this. For others, return will never be a realistic option, as it is unlikely that their rights can be protected in their places of origin. For these people, other durable solutions, such as resettlement to other areas or local integration in areas of displacement, will have to be identified.

8. Human rights are also at the core of efforts seeking to avert new flows of refugees and other displaced persons. If history has proven, again and again, that mass exoduses are caused by violations of human rights, it is only natural to seek to address a deteriorating human rights situation early on to prevent the displacement of people.

9. Over the years the States members of the United Nations have developed a strong international legal framework for the protection of human rights as well as specific instruments for refugee protection. States recognize that they have the primary responsibility to ensure the protection of refugees and internally displaced persons. However, in many situations of crisis and emergency, States may be either unwilling or, more often, unable to fulfil their obligations. The United Nations and its partners are therefore often called upon to play a vital role in providing basic relief and protection to millions of destitute people worldwide affected by mass

exoduses and in assisting in their return and the rebuilding of their livelihoods. In addition, in its efforts, the United Nations, as requested by the Member States, also emphasizes preventive action. A broad range of humanitarian, developmental and human rights agencies, offices and institutions are involved in that endeavour.

10. The report of the Secretary-General to the General Assembly entitled "Strengthening of the United Nations: an agenda for further change" (A/57/387 and corr.1) underlined the link between migration, in the broader sense, and human rights. The report stressed the need to take a more comprehensive look at the various dimensions of the migration issue and to better understand the causes of international flows of people and their complex interrelationship with development. The report affirmed that the promotion and protection of human rights was a bedrock requirement for the realization of the Charter's vision of a just and peaceful world. In its Millennium Declaration (resolution 55/2 of 8 September 2000) the General Assembly affirmed the continuing centrality of that mission, stating "We will spare no effort to promote ... respect for all internationally recognized human rights and fundamental freedoms". Member States have committed to strengthen their capacity at the country level to implement the principles and practices of human rights, including minority rights, the rights of women, the rights of children and the rights of migrants. Building strong human rights institutions at the country level, in the long run, will ensure that human rights are protected and advanced in a sustained manner. Organizing or enhancing a national protection system in each country, reflecting international human rights norms, should therefore be a principal objective of the Organization.

11. In the reform programme (A/57/387 and Corr.1) the United Nations High Commissioner for Human Rights has therefore been requested to take the lead, in cooperation with the entire United Nations system, to further strengthen the activities of the United Nations with regard to human rights. In addition, a plan should be developed and implemented to strengthen human rights-related United Nations actions at the country level; the work of the human rights treaty bodies should be streamlined; the effectiveness of the special procedures of the commission should be enhanced; and the management of the Office of the United Nations High Commissioner for Human Rights (OHCHR) should be strengthened.

12. However, the United Nations is already involved in a number of efforts directed at ensuring the protection of displaced people, assisting in identifying durable solutions for them and seeking ways to prevent new mass exoduses. The human rights machinery of the United Nations is engaged in many ways with issues relating to human rights and mass exoduses. Activities of the Office include implementing technical cooperation projects in a number of countries around the world; promoting human rights education; and supporting of national human rights institutions. The Office is also actively engaged with the human rights components of peacekeeping missions of the United Nations. The human rights treaty bodies charged with the supervision of State implementation of their obligations under international human rights treaties also focus, when relevant, on human rights and mass exoduses, and seek to provide guidance to States parties. The special procedures of the Commission on Human Rights play an active role working with States in assessing the human rights situation worldwide and alerting Member States to situations of concern.

13. The humanitarian agencies of the United Nations are key actors on the ground with regard to providing protection and assistance to populations affected by mass exoduses. The mandate of the Office of the United Nations High Commissioner for Refugees (UNHCR) is to lead and coordinate international action for the worldwide protection of refugees and the resolution of their problems. The primary purpose of the United Nations High Commissioner for Refugees is to safeguard the rights and well-being of refugees. UNHCR strives to ensure that everyone can exercise the right to seek asylum and find safe refuge in another State and the right to return home voluntarily. The World Food Programme (WFP) provides food aid to the most vulnerable and food-insecure people, including internally displaced persons and refugees throughout the world. The United Nations Children's Fund (UNICEF) works on behalf of displaced populations, in particular women and children, and is guided in its work by the Convention on the Rights of the Child. UNICEF activities include humanitarian assistance to displaced populations, child protection and juvenile justice programmes. In many situations of displacement, the World Health Organization (WHO) is active on behalf of affected populations. Once the need for development activities becomes apparent, the United Nations Development Programme (UNDP) implements projects and activities throughout the world.

14. Coordination among all the actors is key. With regard to the humanitarian action of the United Nations, the Office for the Coordination of Humanitarian Affairs (OCHA) plays an invaluable role. At the inter-agency operational level, the main mechanism for coordination is the Inter-Agency Standing Committee (IASC), established in June 1992 in response to General Assembly resolution 46/182, which called for strengthened coordination of humanitarian assistance. Within the humanitarian community, IASC provides a forum that brings together a broad range of the United Nations and non-United Nations humanitarian partners including United Nations humanitarian agencies, the International Organization for Migration (IOM), three consortia of major international non-governmental organizations and the International Red Cross and Red Crescent Movement, represented by the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies. The primary role of the IASC is to formulate humanitarian policy to ensure coordinated and effective humanitarian response to both complex emergency and to natural disasters. The primary objectives of the IASC in complex and major emergencies are as follows: (a) to develop and agree on system-wide humanitarian policies; (b) to allocate responsibilities among agencies in humanitarian programmes; (c) to develop and agree on a common ethical framework for all humanitarian activities; (d) to advocate common humanitarian principles to parties outside the IASC; (e) to identify areas where gaps in mandates or lack of operational capacity exist; and (f) to resolve disputes or disagreement about and between humanitarian agencies on system-wide humanitarian issues. At the field level, the resident coordinator/humanitarian coordinator system is the main mechanism for inter-agency cooperation and is charged with the task of addressing issues related to mass exodus.

15. The internally displaced constitute a specific category of people affected by mass exoduses. Today it is estimated that approximately 25 million people in 52 countries are internally displaced owing to conflict alone. In 1992, following the request by the Commission on Human Rights, the Secretary-General appointed Francis M. Deng (Sudan) as his Representative on internally displaced persons (Commission for Human Rights resolution 1992/73). The Representative's mandate

has since been renewed on four occasions, most recently in April 2001. Over the years, his work has focused on four main areas: the development of a normative framework; the development of effective institutional frameworks at the international, regional and national levels; country missions; and ongoing research into specific issues of concern.

16. The Commission and the General Assembly requested the Representative to develop an appropriate normative framework for the protection of the internally displaced. To that end, he developed the Guiding principles on internal displacement (E/CN.4/1998/53/Add.2), which are based on international human rights law, international humanitarian law and refugee law by analogy, to provide guidance to the Representative in carrying out his mandate; to States when faced with the phenomenon of displacement; to all other authorities, groups and persons in their relations with internally displaced persons; and to intergovernmental and non-governmental organizations when addressing internal displacement. The 30 Guiding Principles cover all phases of displacement, including protection against arbitrary displacement, protection and assistance during displacement, and safe and dignified return or resettlement and reintegration. The Guiding Principles mark the first set of standards spelling out what protection should mean for the internally displaced. The Representative works to disseminate the Guiding Principles in cooperation with a wide number of actors. All the main international humanitarian, human rights and development agencies and non-governmental organizations comprising the Inter-Agency Standing Committee have endorsed the Principles and have begun to integrate them into their activities with internally displaced populations. An increasing number of Governments of countries with situations of internal displacement in all regions of the world have made use of the Guiding Principles. Regional organizations have begun to hold seminars on the Guiding Principles and apply them to their work. Non-governmental organizations at the international and local levels have been particularly active in disseminating the Guiding Principles and using them to monitor situations of internal displacement, suggest changes in national law and policy, and advocate for more effective national and international responses.

17. No single organization within the United Nations system is responsible for the protection and assistance of internally displaced persons. To date, the so-called collaborative approach has been the preferred option of the United Nations system. The Emergency Relief Coordinator has been given the responsibility for ensuring that the protection and assistance needs of internally displaced persons are effectively addressed by the international community within the inter-agency framework. The task is in practice undertaken by the Internal Displacement Unit, which was established in January 2002 within the Office for the Coordination of Humanitarian Affairs. The Unit aims to ensure a predictable and concerted response among all concerned actors to the problems of internal displacement. Its primary purpose is to promote respect for the rights of the displaced in all aspects of displacement; encourage the search for long-term solutions; and prevent displacement or ensure that it will not reoccur. Created by the Emergency Relief Coordinator and approved by the Secretary-General of the United Nations and members of the Inter-Agency Standing Committee, the Unit will build on its inter-agency character and pursue a collaborative process to address the operational challenges posed by internal displacement. Through assessment, analysis, advocacy and practical support, the Unit endeavours to assist relevant actors in meeting the

needs of the displaced by providing the following services: using the Guiding Principles as an overall framework, the Unit seeks to identify and draw attention to gaps in the response to internal displacement, particularly protection and, upon its own initiative or the request of involved actors, will seek to provide recommendations and guidance. Recognizing sovereignty as a form of responsibility, the Unit endeavours to use all forums to engage Governments and non-State actors to provide access and physical security to the displaced. The Unit calls on United Nations agencies, intergovernmental and non-governmental organizations, as well as the displaced themselves, to enhance their commitment and accountability to a credible institutional response to internal displacement. A Memorandum of Understanding between the Emergency Relief Coordinator and the Representative of the Secretary-General on internally displaced persons, signed in April 2002, sets out areas of collaboration between the Internally Displaced Unit and the Representative.

18. In addition to working to enhance institutional arrangements at the international level, for several years now the Representative has pursued parallel efforts at the regional level, in particular with the African Union (formerly the Organization of African Unity), the Organization of American States, the Organization for Security and Cooperation in Europe and the Council of Europe. Further outreach to other regional and subregional organizations is being actively pursued.

19. The Representative also undertakes a number of country missions each year and presents his findings and recommendation in reports to the Commission on Human Rights as well as in press releases. Country missions are a particularly important aspect of the mandate, as they provide a means to assess the extent to which the protection, assistance and development needs of the internally displaced are being met in specific situations. The missions also offer the opportunity to engage in solution-oriented dialogue with the Governments and international and non-governmental organizations concerned.

20. Another aspect of the mandate is the ongoing study of the problem of internal displacement. The agenda for research and many other activities, such as national and regional workshops, are undertaken mainly by the Representative with the support of the Brookings-SAIS Project on Internal Displacement. With the global crisis of internal displacement now more thoroughly documented and better understood, the research agenda of the mandate has sharpened its focus, concentrating on specific issues and problems that face the internally displaced and impede effective responses to their plight.

III. Protection and assistance during displacement

21. The United Nations system, with its partners, engages in worldwide activities aimed at providing protection and assistance to displaced people, including refugees, asylum-seekers and internally displaced people. As noted, the range of activities is broad and could never be adequately reflected in the present report. Consequently, chapter III focuses on the work of two major United Nations humanitarian agencies; the Office of the United Nations High Commissioner for Refugees and the World Food Programme.

22. The Office of the United Nations High Commissioner for Refugees is one of the lead agencies of the United Nations in providing assistance and protection to displaced people. According to UNHCR, at the beginning of 2002, the agency was caring for 19.8 million persons in almost 160 countries, including asylum-seekers, refugees, returning refugees in the early stages of their reintegration, internally displaced persons and other people of concern, mainly victims of conflict.

23. The UNHCR emergency response capacity was tested on several occasions during the past two years, notably in West Africa in 2001, with some 80,000 refugees fleeing Liberia and the Central African region; in South-eastern Europe, where some 90,000 refugees fled the former Yugoslav Republic of Macedonia in 2001; and in countries bordering Afghanistan in the autumn of 2001, with over 200,000 Afghans reaching Pakistan. At the end of 2001, South-west Asia hosted the largest refugee population (40 per cent), followed by Africa (26 per cent) and Europe (17 per cent). In an effort to deal with such complex challenges to refugee protection, UNHCR launched a series of Global Consultations on International Protection during the period 2001-2002.

24. Access to safety, as well as continued protection in host countries, has remained vital for the world's refugees. Many States, often those with the most limited resources, continued to admit and host large refugee populations on their territories during the reporting period. However, concerns also arose with regard to a waning of the quality of asylum offered worldwide and an increasingly restrictive application of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, including several regions with a tradition of generous asylum policies. The underlying reasons for the changes included the economic and social difficulties of hosting large refugee populations for extended periods, national security considerations and serious apprehensions about "uncontrolled" migration in an era of globalization.

25. As a result, during the period breaches of the Convention's provisions were observed in some situations. The breaches ranged from situations of refoulement and border closures to direct acts of violence and xenophobia against refugees and a failure to uphold their fundamental rights. In many countries throughout the world, asylum-seekers and refugees faced increasingly frequent attacks, arrests, abductions, mass round-ups and detentions, deportation and even murder, including children, contributing in some instances to the broader problem of secondary onward movement. The militarization of refugee camps also remained a key challenge, especially when they were close to the border with the country of origin. Instances of forced conscription of refugees, often minors, the trafficking of refugee women, and beatings and mistreatment by officials were reported in camps in some countries. In addition, UNHCR and other humanitarian organizations continued to face obstacles to humanitarian access to refugee and internally displaced populations in a number of countries around the world.

26. The increasingly complex nature of migration movements, characterized as they are by composite flows that include asylum-seekers, refugees, migrant workers, victims of environmental degradation or people in search of better life opportunities, presented numerous problems for States, UNHCR and other actors during the reporting period. In mixed migration flow situations, the tension between the refugee protection responsibilities of States and their concerns about irregular population movements hampered protection efforts. Migration control measures,

such as reinforcing visa regimes, imposing carrier sanctions and, increasingly, resorting to first asylum country and safe third country concepts, led to non-admission of asylum-seekers and refugees, denial of access to an asylum procedure and incidents of refoulement.

27. The growing international consensus on the threat posed by the smuggling and trafficking of human beings also galvanized efforts to combat such crimes. Two Protocols on the trafficking in persons and on the smuggling of migrants, supplementing the United Nations Convention against Transnational Organized Crime, were opened for signature in November 2000, and incorporated clauses that reflected the interest of States in giving due regard to the needs of victims.

28. According to UNHCR, once asylum-seekers reached safety, their often prolonged detention remained a concern in a number of countries, with greater use of detention occurring particularly after 11 September 2001. In several countries, all illegal entrants, including women and children, continued to be systematically detained, irrespective of increasing calls for such measures to be proportionate and less discriminatory. Of particular concern was the treatment of separated or unaccompanied children and family groups held in detention. However, the majority of States were able to manage their asylum systems without detaining asylum-seekers in any systematic way. Some actively made use of alternatives to detention, such as reporting and residency requirements, bonds, community supervision or open centres. In some States where asylum-seekers were being detained, the practice was ameliorated through, for instance, the reduction of maximum detention periods permitted for asylum-seekers.

29. The vulnerability of women refugees to gender-based violence and of refugee children to exploitation and abuse during the reporting period were particularly disturbing. UNHCR has participated in the work of the Inter-Agency Standing Committee task force on sexual exploitation to draft a policy on that issue, which focused on assisting survivors of abuse, drafting a code of conduct for humanitarian workers and improving mechanisms and capacity to prevent the problem. Other protection concerns faced by refugee women and refugee children included safety and security, equal access to humanitarian assistance, registration and documentation, the gender- and age-sensitive application of refugee law and procedures, and trafficking. In relation to refugee children, particular concerns included separation, military recruitment and access to asylum procedures, education and detention.

30. UNHCR has continued its efforts to promote accessions to the 1951 Convention and/or its 1967 Protocol worldwide. While some 144 States are now party to those instruments, in a number of regions, primarily South Asia and the Middle East, there are few States parties. The low rate of accession is coupled with an absence of domestic asylum legislation. While those regions have a strong tradition of hospitality to displaced populations, the lack of a legal framework has meant that ad hoc approaches have continued to be adopted when dealing with refugees. As a result, those in need of international protection have often tended not to be identified properly nor treated in a consistent manner, and the distinction between refugee and migrant has become blurred, possibly contributing to irregular movements of asylum-seekers and refugees. Accession to the international refugee instruments and the introduction of national asylum legislation therefore remain key challenges in those regions.

31. The World Food Programme provides food aid to the most vulnerable and food-insecure people, including internally displaced persons and refugees throughout the world. Refugees and internally displaced persons constitute a large proportion of the beneficiaries of WFP assistance. In 2001, WFP targeted some 3 million refugees as well as 8 million internally displaced persons, primarily residing in camps, and assisted many more internally displaced among those affected by war and natural disasters. In situations of human-made and natural disasters and in protracted crises, WFP promotes food security and helps to re-establish, immediately and over the longer term, the coping mechanisms and livelihoods of internally displaced persons, refugees and others affected by internal displacement when they are food-insecure. In many countries that host large internally displaced and refugee populations, WFP has development programmes in place that target the poorest people, who are the most vulnerable to food insecurity. WFP uses food aid to improve the health of mothers and children, support school feeding and skills training, build community assets, mitigate the impact of natural disasters and support sustainable livelihood activities. In addressing the needs of refugees and the internally displaced, WFP collaborates closely with its United Nations and non-governmental organization partners.

IV. Durable solutions

32. People subjected to mass exoduses will eventually need durable solutions to their plight. The Office of the United Nations High Commissioner for Refugees has clearly stated that timely and durable solutions for the displaced are one of the principal goals of international protection. For many refugees, their strongest hope is to return home and, over the reporting period, there have been some encouraging developments that have permitted hundreds of thousands of refugees and internally displaced persons to do so. Some 700,000 refugees and internally displaced persons returned home during 2001. At the same time, local integration efforts have been strengthened in a number of countries, and third country resettlement has proven its value in many situations, particularly in protracted situations where refugees can neither repatriate safely nor integrate locally.

33. Ensuring sustainable voluntary return is, first and foremost, the responsibility of the country of origin towards its own people, but it also requires coherent and sustained action and support from the international community. For voluntary return to be sustainable, it needs to be underpinned by longer-term reintegration measures, together with the re-establishment of national protection. Among the issues that can undermine the success of voluntary repatriation if left too long unattended are housing, property and land restitution.

34. The programme of advisory services and technical cooperation in the field of human rights, which is managed by the Office of the United Nations High Commissioner for Human Rights, has been engaged since 1955 in assisting States, at their request, in the building and strengthening of national structures that have a direct impact on the overall observance of human rights and the maintenance of the rule of law. The programme is comprehensive, providing practical assistance for the building of national and regional human rights infrastructures, and as such serves, in many places, to create the conditions that will allow returning refugees and displaced people to return in safety and dignity in a sustainable manner.

35. Components of the programme focus on the incorporation of international human rights standards in national laws and policies; on the building or strengthening of national institutions capable of promoting and protecting human rights and democracy under the rule of law; on the formulation of national plans of action for the promotion and protection of human rights; on human rights education and training; and on promoting a human rights culture. Such assistance takes the form of expert advisory services, training courses, workshops and seminars, fellowships, grants, provision of information and documentation, and assessment of domestic human rights needs.

36. Technical cooperation is a key area of activity of OHCHR, an area in which the Office makes a substantial contribution to integrated development cooperation and realization of the right to development and as well as to international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and fundamental freedoms for all. Technical cooperation activities are seen by the United Nations as a complement to, but never a substitute for, the monitoring and investigating activities of the human rights programme. The provision of advisory services and technical assistance is not intended to reduce a Government's responsibility to account for the human rights situation in its territory nor, where applicable, does it exempt that Government from monitoring by the various procedures established by the United Nations. The Programme is funded from the regular budget of the United Nations and from the Voluntary Fund for Technical Cooperation in the Field of Human Rights. The Voluntary Fund became operational in 1988 and is administered by a Board of Trustees. It currently oversees 41 projects worldwide.

37. The Office of the United Nations High Commissioner for Human Rights also accords priority to the establishment and strengthening of national human rights institutions in accordance with the relevant international standards (the Paris Principles, adopted in 1993 by the General Assembly). It continues to provide practical advice to the growing number of countries requesting it, works for the improvement of United Nations system-wide coordination in the work of national institutions and supports the increased participation of national institutions in appropriate United Nations human rights and other international forums. OHCHR encourages the sharing of best practices among national institutions and facilitates their access to relevant information. It also supports the strengthening of regional networks of national institutions.

38. The Office provides information, advice and/or assistance to Governments or administrations on establishing national institution and supports a number of established national human rights institutions or similar bodies. During the reporting period, OHCHR conducted several missions related to meetings, seminars and workshops, through which advice and assistance was provided to Governments; undertook technical cooperation needs assessment and project formulation missions; and trained staff of national human rights institutions and senior staff of other United Nations agencies and programmes.

39. Human rights education is another essential element in ensuring the sustainability of durable solutions for displaced people affected by mass exoduses. In December 1994, the General Assembly proclaimed the United Nations Decade for Human Rights Education (1995-2004), during which Governments, international

organizations, national institutions, non-governmental organizations, professional associations, educational establishments, all sectors of civil society and individuals were encouraged to establish partnerships and concentrate efforts on promoting a universal culture of human rights through human rights education, training and public information. The General Assembly requested the High Commissioner for Human Rights to coordinate the implementation of the related Plan of Action for the Decade (A/51/506/Add.1), which provided a strategy for strengthening human rights education programmes at the international, regional, national and local levels.

40. The general objective of the OHCHR programme for the Decade is to support national and local capacities for human rights education and training. OHCHR continues to develop its Resource Collection on Human Rights Education and Training, which is publicly accessible at the Office of the United Nations High Commissioner for Human Rights in Geneva and will be a specialized collection of the new OHCHR Documentation Centre. OHCHR has organized regional and subregional activities focusing on human rights education. The eleventh Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asian and Pacific Region (Islamabad, 25-27 February 2003) included a specific component on human rights education (for the report of the Workshop, see E/CN.4/2003/109). To start implementation of this component, OHCHR has commissioned the Asian Regional Resource Centre for Human Rights Education to study popular and non-formal human rights education methodologies used in the region, paying particular attention to those directed to vulnerable, disadvantaged and marginalized groups.

41. In addition, the Office has substantively participated in or supported educational activities organized by institutions and organizations at the international level (including the United Nations Educational, Scientific and Cultural Organization; the International Network for Education for Democracy, Human Rights and Tolerance; and the Centre international de formation à l'enseignement des droits de l'homme et de la paix) and at the regional level (for example, the Democracy and Human Rights Education Network, in Europe; and the Arab Institute for Human Rights).

42. The Assisting Communities Together (ACT) Project was initiated in 1998 in cooperation with the United Nations Development Programme to make small grants available for organizations and individuals carrying out activities promoting human rights in local communities. In early 2003, OHCHR continued the third phase of the Project (launched in December 2001), under which OHCHR and UNDP allocated 206 grants (144 financed by OHCHR and 62 by UNDP country offices) in 29 countries; by 31 May 2003, 65 projects had been completed. The third phase of the ACT Project has been marked by increased cooperation with local UNDP offices, which committed additional funding in 18 countries. OHCHR and UNDP are planning to launch a fourth phase of the ACT Project in September 2003.

V. Addressing the root causes — preventing displacement

43. It is generally acknowledged that human rights violations are one of the main root causes of mass exoduses and forced displacement. The importance of addressing the root causes of displacement, whether through conflict resolution or the fostering of human rights and democratic governance, is widely recognized.

Implementing such initiatives has, however, proven complex, not the least because it often requires action by various actors, in particular those outside the humanitarian realm. Among the issues that can prompt forced displacement is statelessness, or the inability to establish a legal status in any country. Very often minority groups in countries in different regions of the world have been among those affected, resulting in deprivation of basic rights. Women and children, in particular, have been disproportionately affected by problems with registering births or marriages and obtaining individual documentation; in addition, women have been unable to pass their legal status on to their stateless children or spouses.

44. The human rights technical cooperation programme as implemented by OHCHR, as mentioned above, also serves a useful preventive role in many countries by helping to create and build stronger and better national capacities and institutions for the protection and promotion of human rights.

45. The Commission on Human Rights and the Economic and Social Council have established a number of extra-conventional procedures and mechanisms — also called the special procedures — that have been entrusted either to working groups composed of experts acting in an individual capacity or to independent individuals variously designated as special rapporteurs, representatives or experts. The mandates given to such procedures and mechanisms are to examine, monitor and publicly report either on human rights situations in specific countries or territories (known as country mechanisms or mandates) or on major phenomena of human rights violations worldwide (known as thematic mechanisms or mandates). In carrying out their mandates, special rapporteurs and other mandate-holders routinely undertake country missions and report back to the Commission on Human Rights. The missions take place at the invitation of the country concerned. The work of the special procedures plays a crucial early-warning and preventive role. Most often, the special procedures, through their vast information network, register warning signs that indicate that a mass exodus may occur as a result of an emerging pattern of human rights violations. The special procedures can alert the Member State itself and also other parts of the United Nations system.

46. As mentioned previously, the human rights treaty bodies can play a key preventive role. When a State ratifies an international human rights treaty, it assumes the obligation to implement the provisions of the treaty at the national level. It also assumes the obligation to submit reports periodically to the human rights treaty bodies on the measures it has taken to ensure the enjoyment of the rights provided in the treaties. Reports of the States parties are examined by the treaty bodies, along with information from a variety of sources, in the presence of a delegation from the reporting State. The examination of a report culminates in the adoption of concluding observations/comments in which the treaty body presents its concerns and makes specific recommendations to the State party for future action. The State party is expected to undertake the necessary measures to implement the recommendations of the treaty bodies.

47. In addition, the treaty bodies adopt general comments or recommendations in which they share their views about the concrete meaning of specific articles of the treaties. Two of the committees, the Committee against Torture and the Committee on the Elimination of Discrimination against Women, may undertake confidential inquiries when they receive information indicating that systematic violations of the

human rights recognized in the respective treaties are taking place in the territory of a State party.

48. The United Nations has also established an inter-agency early-warning mechanism, the Inter-departmental Framework for Coordination Team, which meets regularly in New York. On many occasions the Team has addressed issues related to mass exoduses and human rights and has sought to galvanize the required United Nations response.

VI. Conclusions

49. **Human rights and mass exoduses are inextricably linked. Human rights violations are a cause of mass exoduses. Displaced people are among the most vulnerable, and are often in desperate need of assistance and protection of their human rights. Ensuring sustainable, durable solutions for displaced people requires adequate national mechanisms for the protection of their human rights. If mass exoduses are to be averted, the human rights situation must be monitored and violations addressed early on.**

50. **The United Nations recognizes that reality and works with Member States as well as international and non-governmental organizations to address the challenges it presents. Humanitarian actors provide desperately needed relief and protection in situations of displacement. The United Nations, through technical cooperation, peacekeeping operations and development programmes, plays a central role in ensuring that the human rights situation in the place of origin are suitable for the return and reintegration of the displaced. The United Nations also has a number of mechanisms at its disposal, including the special procedures of the Commission on Human Rights and the human rights treaty bodies, which can provide crucial early-warning information so that the appropriate preventive action can be taken.**

51. **In the second reform programme of the Secretary-General emphasis has been placed on human rights and, in particular, on building strong national mechanisms, capacities and institutions for the protection and promotion of human rights. The challenge for the United Nations today is to implement effectively and efficiently action plans that will assist States in making those proposals a reality so that mass exoduses may be averted in the future.**

Notes

[1] United Nations, *Treaty Series*, vol. 189, No. 2545.

[2] United Nations, *Treaty Series*, vol. 606, No. 8791.